

JOURNAL OF THE HOUSE.

Monday, November 19, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, at the beginning of this busy, happy and family-oriented week, Thanksgiving week, we pray for Your continued assistance as we try to keep our personal and legislative priorities in clear focus. As a nation and a people, we are grateful for our many material and spiritual blessings which You have given us. Inspire us, during this week, to reflect and think about the historical origin of the events which we celebrate on Thursday. In these world-wide unstable times and possible terrorist activities, teach us to respect, without exception, the dignity and rights of all people, which include the youngest child to the most senior adult. May our respect for the importance of each individual person be an example for all nations to follow.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Low and
moderate
income
housing.

A message from His Excellency the Governor recommending legislation relative to financing the production and preservation of housing for low and moderate income residents (House, No. 4375) was filed in the office of the Clerk on Friday, November 16.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Housing. Sent to the Senate for concurrence.

Appointment to a Special Task Force.

Campus
violence.

The Speaker announced the appointment of Representative Murphy of Lowell as co-chairperson of the special task force established (under Section 83 of Chapter 61 of the Acts of 2007) to examine existing college campus policies, procedures and programs, communication plans, the staffing and training of security personnel and make recommendations to reduce and prevent incidents of campus violence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

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Resolutions (filed by Mr. Casey of Winchester) congratulating Carl A. Accardo on the occasion of his retirement from Massachusetts Institute of Technology; and

Carl A.
Accardo.

Resolutions (filed by Mr. D'Amico of Seekonk) congratulating James Drohan on receiving the Eagle Award of the Boy Scouts of America;

James
Drohan.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of the same member, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Walsh of Lynn, petition (accompanied by bill, House, No. 4378) of Steven M. Walsh and others (with the approval of the mayor and city council) for legislation to authorize the city of Lynn to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises to Salvy the Florist. To the committee on Consumer Protection and Professional Licensure.

Lynn,
Salvy the
Florist.

By Mr. DeLeo of Winthrop, petition (accompanied by bill, House, No. 4379) of Robert A. DeLeo and others (with the approval of the mayor and city council) that the retirement board of the city of Revere be authorized to pay an alternative retirement allowance to Kathryn Walsh, the widow of John Walsh, a retired fire fighter of said city. To the committee on Public Service.

Revere,
John
Walsh.

By Mr. Calter of Kingston, petition (accompanied by bill, House, No. 4380) of Thomas J. Calter and others (by vote of the town) that the board of assessors of the town of Duxbury be authorized to assess certain tax betterments relative to funding for the repair of seawalls in the Gurnet Road area of said town; and

Duxbury,
Gurnet
Road.

By Ms. Peake of Provincetown, petition (accompanied by bill, House, No. 4381) of Sarah K. Peake (by vote of the town) relative to property tax exemptions for rental properties restricted as affordable housing in the town of Truro;

Truro,
affordable
housing.

Severally to the committee on Revenue.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Eldridge of Acton and Senator Resor, joint petition (subject to Joint Rule 12) of James B. Eldridge and Pamela P. Resor for legislation to provide certain tax credits for construction of a renewable energy manufacturing facility within the Devens Regional Enterprise Zone.

Devens,
renewable
energy.

By Mr. Evangelidis of Holden, petition (subject to Joint Rule 12) of Lewis G. Evangelidis relative to reinstatement fees imposed on junior operators for reinstatement of suspended licenses for the operation of motor vehicles.

Junior
operators,
reinstatement
fees.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr., for legislation to designate a certain bridge

Grafton,
Pvt. Walter
Emak Bridge.

over Depot Street in the town of Grafton as the Private Walter Ermak Bridge.

Junior
licenses,
tax credit.

By Mr. Spellane of Worcester, petition (subject to Joint Rule 12) of Robert P. Spellane for legislation to provide an income tax credit for costs associated with requirements imposed by the Registry of Motor Vehicles on applicants for a junior operators license.

Court
officers,
police
powers.

By Ms. Spiliotis of Peabody, petition (subject to Joint Rule 12) of Joyce A. Spiliotis relative to the granting of police duties and powers to court officers on premises of the judicial branch.

Electricity,
poles.

By Mr. Stanley of Waltham, petition (subject to Joint Rule 12) of Thomas M. Stanley that cities and towns be authorized to regulate the placement of double poles for the transmission of electricity.

Matthew
Charleson,
sick leave.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee for legislation to establish a sick leave bank for Matthew Charleson, an employee of the Department of Correction.

Turnpike
tolls,
study.

By Mr. Walsh of Lynn, petition (subject to Joint Rule 12) of Steven M. Walsh and others for an investigation by a special commission (including members of the General Court) relative to the equity of tolls charged motorists by the Massachusetts Turnpike Authority.

Murder
victims,
family
assistance.

By Mr. Welch of West Springfield, petition (subject to Joint Rule 12) of James T. Welch for legislation to establish a family assistance fund for victims of murder.

Prisoners
of War,
property
taxes.

By the same member, petition (subject to Joint Rule 12) of James T. Welch for legislation to authorize cities and towns to grant real estate tax benefits to veterans held as prisoners of war.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Biennial
state
primaries.

A Bill relative to the administration of elections to be held in the year 2008 (Senate, No. 2414) (on Senate, No. 439) [Senators Brown and Creedon, for the committee on Election Laws, dissenting], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Bradley of Hingham moved to amend it by striking out section 7 and inserting in place thereof the following section:

“SECTION 7. Notwithstanding sections 34 and 70E of chapter 53 of the General Laws or any general or special law to the contrary, the state secretary may print the names of candidates for special state primaries on the same ballot for use at the presidential primary in any city or town within a district in which a special state primary is called for February 5, 2008. The appearance of the order of offices on presidential primary ballots in 2008 on which state primary candidates are also printed shall be at the discretion of the state secretary.”; and by striking out section 14 and inserting in place thereof the following section:

“SECTION 14. Notwithstanding any general or special law to the contrary, the state secretary shall have the authority to add or change any dates relating to the presidential primary held on February 5, 2008 as he deems necessary for the orderly administration of the election by providing notice of such change to any affected person, by filing notice with the rules and regulations division, by posting on his website and by whatever other means he deems appropriate.”.

The amendments were adopted; and the bill (Senate, No. 2414, amended) was ordered to a third reading.

A Bill to establish the Massachusetts Commission on advanced practice nursing (Senate, No. 2418) (on a part of Senate bill No. 2399), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Advanced
practice
nursing.

Bills

Protecting the natural resources of the Commonwealth (Senate, No. 2388, amended in section 1, in line 25, by striking out the words “preservation restrictions.”) (on Senate, No. 542); and

Natural
resources.

To facilitate homeowner heating oil spill remediation (Senate, No. 2404) (on Senate, No. 538);

Heating oil
spills,
homeowners.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Authorizing the certification and eligibility of Bradley Fitzgerald, James Cambra, Robert Chase, Steven Baptiste and Timothy Larkin as firefighters in the city of Taunton (Senate, No. 2154) (on a petition) [Local Approval Received];

Taunton
firefighters.

Regulating the provision of health insurance to surviving spouses of certain employees of the town of Wareham (Senate, No. 2157) (on a petition) [Local Approval Received];

Wareham,
health
insurance.

Further regulating the group insurance program of the town of Boxborough (Senate, No. 2297) (on a petition) [Local Approval Received];

Boxborough,
insurance
program.

Further amending the representative town meeting procedures in the town of Randolph (Senate, No. 2305) (on a petition) [Local Approval Received];

Randolph,
town meeting
procedures.

Authorizing the town of Hopedale to acquire certain property for municipal purposes (Senate, No. 2321) (on a petition) [Local Approval Received];

Hopedale,
municipal
purposes.

Relative to the membership of the conservation commission of the town of Carver (Senate, No. 2326) (on a petition) [Local Approval Received];

Carver,
conservation
commission.

A Bill authorizing the city of Lowell to pay a certain court judgment (Senate, No. 2329) (on a petition) [Local Approval Received]; and

Lowell,
court
judgment.

Relative to Gary J. Lopes, Jr., an employee of the town of Wareham (Senate, No. 2333) (on a petition) [Local Approval Received];

Wareham,
Gary J.
Lopes, Jr.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

The following notice was received from the Clerk of the Senate, to wit:—

November 19, 2007.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Richard R. Tisei, Senate Minority Leader, has announced his appointment of Senator Bruce E. Tarr (pursuant to Section 35EE of Chapter 61 of the Acts of 2007) as a member of the Board of Trustees of the Commonwealth Covenant Fund.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Michelle Souther, an employee of the Registry of Motor Vehicles (Senate, No. 2384) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Verga of Gloucester, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill authorizing Michael McHugh to take the civil service examination for police officer (House, No. 4271).

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill declaring November Thrombosis Awareness Month (House, No. 4288).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, then reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the following bills ought to pass:

Bill establishing the grandparents raising grandchildren commission (House, No. 617); and

Commonwealth
Covenant
Fund,
Senate
appointment.

Michelle
Souther,
sick leave
bank.

Michael
McHugh,
police exam.

Thrombosis
Awareness
Month.

Grandparents.

Bill relative to a special commission on seafood marketing (House, No. 777, changed);

Severally referred, under Rule 33, to the committee on Ways and Means.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, No. 4199, a Bill relative to school nutrition (House, No. 4376) [Cost: \$995,695.00].

By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, on House No. 1799, reported, in part, a Bill relative to unemployment insurance rates (House, No. 4374).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to creditable service for municipal planning board members (House, No. 2476).

By the same member, for the same committee, on a petition, a Bill relative to the credible service of Ray Silva (House, No. 2673).

By the same member, for the same committee, on a petition, a Bill relative to the Massachusetts Teachers' Retirement Board (House, No. 2677, changed in line 3, by inserting after the word "Jr." the words "three months", and by striking out, in lines 4 and 5, the following: "rendered from November 1985 to September 1989").

By the same member, for the same committee, on a petition, a Bill further regulating the retirement benefits of correctional officers (House, No. 2691).

By the same member, for the same committee, on the joint petition, a Bill directing the State Retirement Board to retire Robert Emmet Fitzgerald (House, No. 2751).

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 3524, a Bill relative to the operation of low-speed motor vehicles (House, No. 4377).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

The Senate Bill abolishing the North East Solid Waste Committee (Senate, No. 549, amended); and

House bills
Relative to professional engineers and land surveyors (House, No. 278);

Relative to assistant chief probation officers, first assistant chief probation officers and probation officers in charge (House, No. 1742); and

Requiring continuing education of construction supervisors (House, No. 4230);

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments previously recommended by the committee on Ways and Means pending.

Seafood
marketing,
study.

School
nutrition.

Unemployment
insurance
rates.

Municipal
planning
board.

Ray Silva,
creditable
service.

Cris
Magoun, Jr.,
teacher credits.

Correctional
officers,
retirement.

Robert Emmet
Fitzgerald,
retirement.

Low-speed
motor
vehicles.

Northeast
Solid Waste
Committee.

Engineers and
surveyors.

Probation
officers.

Construction
supervisors.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Reckless
endangerment.

Relative to reckless endangerment of a disabled person (Senate, No. 1143); and

Fall River,
special police.

Authorizing the appointment of special police officers in the city of Fall River (Senate, No. 2251) [Local Approval Received]; and

House bills

Gardner,
Jeffrey J.
Giles.

Authorizing Jeffrey J. Giles to take the civil service examination for police officer in the city of Gardner notwithstanding the minimum age requirement (House, No. 4010) [Local Approval Received];

Fall River,
special police.

For special police officers for the city of Fall River (House, No. 4076) [Local Approval Received];

Franklin,
civil service.

Exempting all positions in the town of Franklin's department of public works from the civil service law (House, No. 4103) [Local Approval Received];

Physician
credentialing
process.

Relative to the physician credentialing process (House, No. 4145);

Orange,
town meetings.

Relative to town meetings in Orange (House, No. 4277) [Local Approval Received];

William Ryan,
sick leave.

Establishing a sick leave bank for a certain employee of the Berkshire County sheriff's department (House, No. 4285);

Methuen,
credit union.

Authorizing the city of Methuen to lease a portion of that building known as the Quinn Building to Methuen Municipal Employees Federal Credit Union (House, No. 4325) [Local Approval Received];

Greenfield,
charter.

Relative to the Greenfield town charter (House, No. 4331) [Local Approval Received]; and

Site
assignment
process.

To clarify the site assignment process (House, No. 4363);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Disabled,
temporarily
placards.

By Mr. Wagner of Chicopee, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 631) of Bruce J. Ayers that cities and towns be authorized to issue temporary placards for handicapped parking spaces.

School
buses,
inspections.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2258) of Louanne Fucci for legislation to further regulate post trip inspections by drivers of school buses.

School bus
safety.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3378) of Louanne Fucci for legislation to regulate the movement of motor vehicles after students have alighted from or boarded school buses.

Motorcycle
helmets.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3428) of Demetrius J. Atsalis for legislation to further regulate the wearing of helmets for passengers and operators of motorcycles.

Junior
operators,
licenses.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3430) of Bruce J. Ayers relative to further regulating junior operator's licenses.

Handicapped
parking.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3432) of Bruce J.

Ayers relative to increasing the fine for handicapped parking violations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3471) of John Walsh relative to increasing the age for obtaining a motor vehicle driving license.

Driving
licenses,
age.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3486) of Donna Peters for legislation to impose a penalty for operating a motor vehicle while smoking if children are riding as passengers in such vehicle.

Motor
vehicles,
smoking.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3493) of Anne M. Gobi and others relative to the operation of motorcycles in the breakdown lane during heavy traffic periods.

Motorcycle,
traffic
relief.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3494) of Anne M. Gobi and others relative to protective headgear while operating or riding as a passenger on a motorcycle.

Helmet
law,
modify.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3538) of Thomas P. Kennedy that stop arm warning devices be required on both sides of school buses.

School buses,
warning
devices.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3641) of Louanne Fucci relative to the installation of school bus safety gates.

School buses,
safety gates.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3647) of Benjamin Swan and others for legislation to establish driver education and training reform.

Driver
education.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Emergency Measure.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to exchange land held for conservation and recreation purposes with the Nye Family of America Association, Inc. (see Senate, No. 2210), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Sandwich,
land
exchange.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill relative to volunteers at state parks (see Senate, No. 786, amended) (which originated in the Senate) (which

Bill
re-enacted.

had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills

Authorizing the town of Tyngsborough to establish a recreation fields fund (see Senate, No. 2291);

Relative to members of the Executive Council (see Senate, No. 2332);

(Which severally originated in the Senate); and

Authorizing the city of Salem to issue additional liquor licenses for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 4274) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The Senate Bill establishing a sick leave bank for Peter Hebert, an employee of the Department of Mental Retardation (Senate, No. 2376), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At twenty-one minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.